



CONFIDENTIAL/VIA ELECTRONIC MAIL

December 5, 2012

P.O. Box 6222  
Indianapolis, Indiana 46206  
Telephone: 317/917-8222

President Michael R. Gottfredson  
c/o Mr. Michael Glazier  
Bond, Schoeneck & King  
7500 College Boulevard, Suite 910  
Overland Park, Kansas 66210-4033

Shipping/Overnight Address:  
1802 Alonzo Watford St. Drive  
Indianapolis, Indiana 46202

RE: Notice of allegations, University of Oregon, Case No. M365.

Dear President Gottfredson:

This letter (and enclosure) is the result of an inquiry that has been conducted by the NCAA into the athletics policies and practices of the University of Oregon. This inquiry was initiated in accordance with NCAA Bylaw 32.2 of the 2011-12 NCAA Division I Manual and described in the September 13, 2011, verbal notice of inquiry.

The available information appears to be of sufficient substance and reliability to warrant a notice of allegations. Accordingly, this letter (and enclosure) constitutes a notice of allegations as described in Bylaw 32.6.1 and includes specific allegations. In order that complete information may be presented for the record, several questions are submitted to obtain the facts of these matters, and also to determine the policies and practices of the University of Oregon in certain areas of athletics administration.

The institution is requested to thoroughly review these allegations and requests for information and submit a written response. You will note that the statement immediately following each allegation requests that the institution indicate whether the information is substantially correct and submit evidence to support its response. The NCAA Committee on Infraction's interest is for the NCAA enforcement staff, institution and involved individuals to collect, where possible, all relevant information for consideration in order for the committee to determine the validity of the allegations. If you believe that additional interviews are warranted, please ensure that the enforcement staff is given the opportunity to participate in those interviews if possible.

If the institution does not believe that the allegation is substantially correct, it should support its position with any evidence upon which the conclusion is based. Further, if the institution concludes that the allegation is substantially correct, but not complete or accurate in all respects, it should submit additional information to clarify or adjust the allegation as written.

National Collegiate Athletic Association

*An association of over 1,200 members serving the student-athlete*

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In the interest of clarity and in accordance with the general procedures established by the Committee on Infractions, the institution is requested to copy each numbered item and the subparagraphs of each item contained in the notice of allegations. The institution's response, as well as the reasons for this position, should immediately follow each numbered item or subparagraph to which the information submitted is directly responsive. [Note: See attached suggested guidelines for submission of responses.]

Four copies of your response should be forwarded to me at the NCAA national office; one copy should be forwarded to each member of the Committee on Infractions; and two copies to Joel McGormley, managing director of the NCAA Committees on Infractions, at the following addresses. In addition, please email a copy of your response in Microsoft Word or Word Perfect format to Mr. McGormley (jmcgormley@ncaa.org) and Mason Pike, NCAA assistant director of enforcement (mwpike@ncaa.org).

Mr. Britton Banowsky (Chair)  
Commissioner  
Conference USA  
5201 N. O'Connor Boulevard, Suite 300  
Irving, Texas 75039

Mr. John S. Black  
Polsinelli & Shughart P.C.  
700 West 47th Street, Suite 1000  
Kansas City, Missouri 64112

Mr. Greg Christopher  
Director of Athletics  
Bowling Green State University  
Sebo Athletic Center  
1610 Stadium Drive  
Bowling Green, Ohio 43403

Ms. Melissa Conboy  
Deputy Athletic Director  
University of Notre Dame  
C113 Joyce Center  
Notre Dame, Indiana 46556

Mr. Christopher L. Griffin  
Attorney  
Foley & Lardner LLP  
100 North Tampa Street, Suite 2700  
Tampa, Florida 33602-5804

Mr. Roscoe C. Howard Jr.  
Partner  
Andrews Kurth LLP  
1350 I Street NW, Suite 1100  
Washington, D.C. 20005

Ms. Eleanor W. Myers  
Professor of Law  
Temple University School of Law  
1719 North Broad Street  
Klein Hall, Room 624  
Philadelphia, Pennsylvania 19122

Mr. Gregory Sankey  
Associate Commissioner  
Southeastern Conference  
2201 Richard Arrington Boulevard North  
Birmingham, Alabama 35203

Mr. Rodney Uphoff  
University of Missouri-Columbia  
School of Law  
213 Hulston Hall  
Columbia, Missouri 65211

Mr. Joel McGormley (two copies)  
Managing Director of the Committees on  
Infractions  
NCAA Distribution Center  
1802 Alonzo Watford Sr. Drive  
Indianapolis, Indiana 46202

Ms. Julie Roe Lach (four copies)  
Vice President of Enforcement  
NCAA Distribution Center  
1802 Alouzo Watford Sr. Drive  
Indianapolis, Indiana 46202

In addition, a copy of the institution's response must be provided to the following involved individuals:

[REDACTED]

As indicated in my September 13, 2011, verbal notice of inquiry, the Committee on Infractions reviews information concerning possible major violations either through the summary disposition process or an in-person hearing. It is my understanding that the enforcement staff has discussed the possibility of processing this case through the summary disposition process and that currently this process does not appear appropriate.

Responses from the institution and all involved parties should be on file with these individuals, including the writer, by January 4, 2013. Please note that while NCAA Bylaw 32.6.5 provides for a 90-day response period, the Committee on Infractions' has requested that this case be processed in an expedited manner. Please notify the enforcement staff no later than December 13 if you are not amenable to the 30-day response period. It is anticipated that the Committee on Infractions will consider your response during its February 23, 2013, meeting in Indianapolis, Indiana, and would welcome an appearance by representatives of the institution at that time. You will be notified of the actual time, date and location well in advance of the institution's appearance. In keeping with the premise of presidential control of athletics, the committee expects that you, as the president of an institution involved in potential major violations of NCAA legislation, will want to attend the hearing to personally present your views on presidential control and the institution's commitment to compliance. As the president, the committee is most interested in your presentation. Additionally, the committee requests that at a minimum, the following individuals be included among the university representatives:

[REDACTED]

Please inform me at your earliest convenience if there are any anticipated difficulties in having the aforementioned individuals attend.

In the event the institution determines that additional time is required to prepare a response, the institution may request a delay in responding and submit the reasons the delay is necessary. The request should be forwarded to Mr. McGormley at the NCAA national office. The Committee on Infractions then will consider the request. It should be noted that a delay in responding could postpone the hearing date stated above.

Under the provisions of Bylaw 32.6.4, in preparation for submitting a written response to a notice of allegations or making an in-person appearance before the Committee on Infractions, the enforcement staff will provide reasonable access to all pertinent materials maintained by the staff that corroborate or refute the allegations. These materials may include recordings of interviews and documents that were

obtained during the inquiry. Requests for access to such materials should be made to the enforcement staff, which also is responsible for maintaining custody of these materials. Therefore, upon request, the staff will provide access at the NCAA national office or on a secured website in the near future for authorized individuals.

In accordance with the procedures adopted by the Committee on Infractions, the enforcement staff shall notify in writing all present or former institutional staff members named in an allegation, and all prospective, present or former student-athletes whose eligibility could be affected based on involvement in an allegation of their opportunity to respond to any allegation involving them and participate in a hearing before the Committee on Infractions. A copy of these letters also has been included with the notice of allegations. Although these parties may be represented by personal legal counsel or plan to represent themselves, the institution is requested to provide any involved individuals with the opportunity to submit in writing any information they believe is relevant to the committee. Please note that under the provisions of Bylaw 32.8.6.1, the Committee on Infractions may subject the institution to a show-cause order as described in the provision of Bylaw 19.5.2-(k) if any current staff member named for involvement in a major violation fails to attend a hearing. The enforcement staff also will notify certain individuals, and copies of those letters are enclosed.

Your institution should understand that all of the alleged violations set forth in the document attached to this letter are considered to be potential major violations of NCAA legislation, unless designated as secondary. If the institution believes that any alleged violation should be considered a secondary violation, including any specifically identified as a secondary violation by the enforcement staff, the response should indicate why the alleged violation should be considered a secondary violation, and it should present information to support that conclusion. Also, if the institution believes that the enforcement staff has acted contrary to the provisions of the enforcement procedures (Bylaw 32), it is requested to advise the Committee on Infractions of this concern in its response; otherwise, it may forfeit the opportunity to raise this issue on appeal.

Following the hearing, the committee will determine if violations of NCAA legislation have occurred and whether those violations are major or secondary violations. If the committee finds that violations have occurred, then it will determine what penalties are appropriate as provided in the online version of the 2011-12 NCAA Division I Manual. Inasmuch as your institution was previously found in violation of NCAA rules in Infractions Report No. 225 decided on June 23, 2004, your institution is subject to the penalties set forth in Bylaw 19.5.2.1. If you believe this rule is not applicable, you should so state in your response and submit the appropriate information to support your position. The Committee on Infractions will determine following the infractions hearing if your institution should be subject to the provisions of this bylaw and whether the enhanced penalties provided for in the bylaw should be imposed.

In making its decision in this case, the Committee on Infractions will consider information submitted by the enforcement staff, institution and all involved parties, and the testimony presented at the infractions hearing. It should be understood that at this juncture, the committee has not received any of the information gathered by the enforcement staff to substantiate that a violation occurred. The only information provided to the committee by the enforcement staff regarding this case will be the allegations (attached), the enforcement staff case summary per Bylaw 32.6.7 and its hearing

presentation per Bylaw 32.8.7.2. If the institution wishes the committee to consider any specific evidence, that information must be included in the institution's response to the notice of allegations. If any additional evidence should come to the institution's attention that was not previously available to it or that was not previously relevant that it believes the Committee on Infractions should consider, that information should be provided to the enforcement staff and the committee at least 10 days prior to the infractions hearing.

Your attention also is directed to Bylaw 32.8, which describes the procedures to be followed during the institution's appearance before the committee. In addition, you may wish to review the policies and guidelines set forth in Bylaw 19.4 of the enforcement procedures. Should you have additional questions concerning these procedures, please contact Mr. McGormley. Also, in the event members of the NCAA staff who have been involved in the investigation of this case can be of assistance to the institution in developing its response, please contact David Didion, director of enforcement, for such assistance.

The enforcement program of the NCAA is a cooperative undertaking involving individual member institutions and allied conferences working together through the NCAA -- a unified effort designed to improve the administration of intercollegiate athletics. You are called upon as the president of the University of Oregon for your cooperation and assistance to the end that complete information related to this matter may be developed.

Sincerely,



Julie Roe Lach  
Vice President of Enforcement

JRL:kk

Enclosures

cc: Mr. Ron Barker  
Mr. Michael Glazier  
Mr. Lawrence G. Scott  
NCAA Division I Committee on Infractions  
Selected NCAA Staff Members

## NCAA COMMITTEE ON INFRACTIONS

## Suggested Guidelines for Submission of Responses

This memorandum is the committee's suggested format for submitting responses to the notice of allegations. The following suggestions are made:

- The response should be contained in either three-ring loose-leaf or "comb" style binders ("comb" style preferred).
- Responses to the allegations should be separated by numbered tabs corresponding to the allegation numbers in the notice of allegations so as to be easily referenced by the reader.
- Responses should be paginated. It is suggested that each allegation have its own set of page numbers; e.g., page one of the section on allegation 1 would be page 1-1, page 6 of the section on Allegation No. 4 would be page 4-6, etc.
- Each allegation response should contain the allegation itself, the position of the responding party to the allegation (agree or disagree) and the rationale/supporting evidence for the position.
- If there is a large number of supporting attachments/exhibits, they should be placed in a binder separate from the actual response and divided by numbered tabs referenced to the application allegation. Multiple exhibits/attachments in support of individual allegations should be separated, labeled by party name and consecutive numbers (e.g., "[Institution] -1, 2, 3"). In addition, and for ease of reference at hearings, all pages in exhibits should have page numbers running sequentially. The page numbers may be in sequence throughout all exhibits without regard to a particular exhibit number (e.g., 1 to 10 in exhibit 1, 11 to 17 in exhibit 2) or the page numbers may be in sequence within each exhibit (e.g., 1-1, 1-2, etc.; 2-1, 2-2, etc.). In the interest of limiting the size of responses and to avoid providing multiple copies of the same documents, only one copy of each exhibit/attachment is required. Any reference to exhibits/attachments throughout the response can be made to the appropriate exhibit number.

## NOTICE OF ALLEGATIONS

to the

President of University of Oregon

1. [NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a) and 13.1.3.5.1]

It is alleged that in May 2008, Will Lyles (Lyles), a recruiting or scouting service provider, began assisting the University of Oregon's football program in the recruitment of prospective student-athletes when he recommended certain football prospective student-athletes the program should evaluate, recommended which high schools the program should visit and, in May 2009, accompanied an assistant football coach from the institution to and during visits to those high schools for evaluation purposes. As a result of those activities, Lyles became a representative of the institution's athletics interests and subsequently was involved in violations of NCAA recruiting legislation between 2008 and 2010 when he had contact with the recruited prospective student-athletes. Specifically:

- a. From 2008 through 2010, Lyles had impermissible telephone and off-campus contacts with football prospective student-athlete [REDACTED]. Beginning in 2009, [REDACTED] was aware of and involved Lyles in [REDACTED] recruitment largely via a triangle of substantial telephone communications among Lyles, [REDACTED], [NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a) and 13.1.3.5.1]
- b. From 2009 through 2010, Lyles had impermissible telephone and off-campus contacts with football prospective student-athletes Ahmad Dixon (Waco, Texas), Toney Hurd Jr. (Missouri City, Texas), Shaun Lewis (Missouri City, Texas), Trovon Reed (Thibodaux, Louisiana) and [REDACTED]. [REDACTED] was aware of the contacts and involved Lyles in the football prospective student-athletes' recruitment. [NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a) and 13.1.3.5.1]
- c. In May 2009, Lyles had an impermissible off-campus contact with football prospective student-athlete Trey Williams (T. Williams) (Ifta Bena, Mississippi) at T. Williams' high school. An assistant football coach was aware of Lyles' contact with T. Williams because Lyles accompanied the assistant coach during the visit to the high school. [NCAA Bylaws 13.01.4 and 13.1.2.1]
- d. On December 3, 2009, Lyles had an impermissible [REDACTED] football prospective student-athletes [REDACTED] and [REDACTED]. [NCAA Bylaws 13.01.4 and 13.1.2.1]

NOTICE OF ALLEGATIONS

Case No. M365

December 5, 2012

Page No. 2

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- e. From approximately May through June 2010, Lyles had impermissible telephone and off-campus contacts with [REDACTED]

[NCAA Bylaws 13.01.4 and 13.1.2.1]

This allegation serves as part of the basis for the failure to monitor violation in Allegation No. 6.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

Also, please provide the following:

- a. An overview regarding Lyles' relationship with the institution's football staff.
- b. An overview of the rules education provided to the football staff (including, but not limited to, [REDACTED] regarding the use of recruiting services.
2. [NCAA Bylaws 13.14.3 (2009-10 NCAA Division I Manual), (2010-11 NCAA Division I Manual) and 13.14.3-(c) (2010-11 NCAA Division I Manual)]

It is alleged that from 2008 through early 2011, the football program paid for subscriptions to at least three recruiting or scouting services that did not conform to NCAA legislation. Specifically:

- a. In 2008 and 2009, the football program paid \$6,500 and \$10,000, respectively, for a subscription to Elite Scouting Services (ESS) and received oral reports from ESS representatives Charles Fishbein and Will Lyles (Lyles). [NCAA Bylaw 13.14.3 (2009-10 NCAA Division I Manual)]
- b. In 2009, the football program paid \$3,745 for a subscription to New Level Athletics (NLA) and received oral reports from NLA representative Baron Flenory. [NCAA Bylaw 13.14.3 (2009-10 NCAA Division I Manual)]
- c. In 2010, the football program paid \$25,000 for a subscription to Complete Scouting Services (CSS) and received oral reports from CSS representative Lyles. Additionally, CSS did not disseminate to the football program recruiting or



NOTICE OF ALLEGATIONS

Case No. M365

December 5, 2012

Page No. 3

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scouting information at least four times per calendar year, as required by NCAA legislation. [NCAA Bylaws 13.14.3 and 13.14.3-(c) (2010-11 NCAA Division I Manual)]

This allegation serves as part of the basis for the failure to monitor violations in Allegation Nos. 6 and 7.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

3. [NCAA Bylaws 13.2.1, 13.2.1.1-(b), 13.2.1.1-(e) and 13.2.1.1-(h)]

It is alleged that from 2008 through 2010, Will Lyles (Lyles), a recruiting or scouting service provider and representative of the institution's athletics interests, as detailed in Allegation No. 1, [REDACTED] [REDACTED]. Specifically:

- a. Between 2008 through 2010, [REDACTED] [REDACTED], [NCAA Bylaws 13.2.1 and 13.2.1.1-(e)]
- b. In December 2008 and December 2009, and for approximately 10 days on each occasion, [REDACTED] [REDACTED] [NCAA Bylaws 13.2.1 and 13.2.1.1-(h)]
- c. In or around December 2009, [REDACTED] [REDACTED] [NCAA Bylaws 13.2.1 and 13.2.1.1-(b)]

Allegation No. 3-c serves as part of the basis for the failure to monitor violations in Allegation Nos. 6 and 7.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

4. [NCAA Bylaws 11.7.1.2 and 13.1.3.4.1]

It is alleged that from 2007 through early 2011, [REDACTED] placed or received approximately 730 impermissible recruiting telephone calls. Specifically:

NOTICE OF ALLEGATIONS

Case No. M365

December 5, 2012

Page No. 4

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- a. An [REDACTED] placed 486 impermissible telephone calls to and received 183 impermissible telephone calls from 74 different prospective student-athletes, their parents or high school coaches.
- b. A [REDACTED] placed 46 impermissible telephone calls to and received 11 impermissible telephone calls from nine different prospective student-athletes, their parents or high school coaches.
- c. A [REDACTED] placed six impermissible telephone calls to and received eight impermissible telephone calls from four different prospective student-athletes, their parents or high school coaches.

This allegation was self-reported by the institution following its analysis of institutional phone records and serves as part of the basis for the failure to monitor violation in Allegation No. 7.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

5. [NCAA Bylaw 11.7.2]

It is alleged that from 2009 through 2011, the institution's football program exceeded the permissible limit on the number of coaches by one when an [REDACTED] engaged in recruiting activities as outlined in Allegation Nos. 1-a, 1-b, 1-c and 4-a.

This allegation serves as part of the basis for the failure to monitor violation in Allegation No. 6.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

6. [NCAA Bylaw 11.1.2.1]

It is alleged that from 2009 through 2011, the scope and nature of the violations detailed in Allegation Nos. 1 through 5 demonstrate that [REDACTED]; failed to

NOTICE OF ALLEGATIONS

Case No. M365

December 5, 2012

Page No. 5

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adequately monitor (1) the activities of [REDACTED] related to Will Lyles (Lyles), a representative of the institution's athletics interests, and Lyles' recruiting involvement with prospective student-athletes; (2) the football program's use of recruiting or scouting services that were not always compliant with NCAA legislation; and (3) the duties and activities of [REDACTED] as detailed in Allegation Nos. 1-a, 1-b, and 1-e.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

7. [NCAA Bylaw 2.8.1]

It is alleged that from 2008 through 2011, the scope and nature of the violations set forth in Allegation Nos. 2, 3-c, 4 and 5 demonstrate that the athletics department failed to adequately monitor (1) the football program's use of recruiting or scouting services; (2) the provision of institutional athletics apparel; and (3) telephone calls between prospective student-athletes, their parents or high school coaches and [REDACTED]. Specifically:

- a. Regarding the recruiting or scouting services, the athletics department failed to establish policies and procedures to monitor the football program's use of recruiting or scouting services. Additionally, athletics administrators with responsibilities in the football program failed to monitor the information provided by recruiting or scouting services to ensure compliance with recruiting or scouting service legislation. This collective failure partly resulted in the violations outlined in Allegation No. 2.
- b. Regarding the institutional athletics apparel, an [REDACTED] became aware of the violation outlined in Allegation No. 3-c, but failed to report that information to athletics administrators.
- c. Regarding the telephone calls, the athletics department failed to monitor any telephone calls placed or received by [REDACTED]. This failure partly resulted in the violations outlined in Allegation Nos. 4 and 5.

Please indicate whether the information is substantially correct and whether the institution believes that violations of NCAA legislation occurred. Submit evidence to support your response.

NOTICE OF ALLEGATIONS

Case No. M365

December 5, 2012

Page No. 6

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Also, please provide the following:

- a. An overview of the rules education provided to the football staff (including, but not limited to, [REDACTED] regarding recruiting calls and activities.
- b. An overview regarding the institution's system for monitoring phone calls made by the football staff.
- c. A detailed chronology of the time period of December 16, 2011, through October 31, 2012, concerning the institution's involvement and cooperation of any events that resulted in a lengthy summary disposition report process.
- d. A copy of the October 31, 2012 summary disposition report.

Any additional information or comments regarding this case are welcome.